

February 2 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 10-0029

Terry N. Trieweiler  
 TRIEWEILER LAW FIRM  
 231 1<sup>st</sup> Street  
 P.O. Box 5509  
 Whitefish, MT 59937  
 (406) 862-4597  
 (406) 862-4685 fax  
 Email: ttrieweiler@centurytel.net

Bob Germany  
 PITTMAN, GERMANY, ROBERTS  
 & WELSH, LLP  
 410 South President Street  
 Jackson, MS 39201  
 (602) 948-6200  
 (601) 948-6187 fax  
 Email: rgg@pgrwlaw.com

James T. Towe  
 TOWE LAW OFFICES  
 502 West Spruce  
 P.O. Box 7826  
 Missoula, MT 59807-7826  
 (406) 829-1669  
 (406) 327-1518 fax  
 Email: jamiet@montanadsl.net

Bart Valad  
 VALAD & VECCHIONE, PLLC  
 3863 Plaza Drive  
 Fairfax, VA 22030  
 (703) 352-4800  
 (703) 352-4820 fax  
 Email: bvalad@valadlaw.com

**FAX - FILED**

FEB 02 2010

NOVARTIS PHARMACEUTICALS  
 CORPORATION

Appellant/Cross Appellee,

vs.

PEGGY STEVENS

Appellee/Cross Appellant.

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANANOTICE OF CROSS  
APPEAL

NOTICE is given that, Peggy L. Stevens, the Appellee/Cross Appellant above-named and who is the plaintiff in that cause of action filed in the Fourth Judicial District, in and for the County of Missoula, as Cause No. DV-08-100, hereby appeals to the Supreme Court of the State of Montana from the District Court's Orders entered

NOTICE OF CROSS APPEAL

in such action on the following dates:

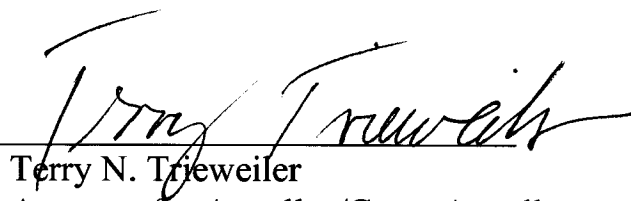
- 1) Order granting Defendant Patrick Doyle's Motion to Dismiss dated April 7, 2009;
- 2) Order denying Plaintiff's Motion for Protective Order dated August 18, 2009;
- 3) Order granting Defendant's Motion for Protective Order on Net Worth Discovery dated August 28, 2009;
- 4) Order denying Plaintiff's Motion to File Second Amended Complaint dated September 14, 2009;
- 5) Order granting Defendant's Motion in Limine Regarding Bisphosphonate Drugs Other Than Zometa and Dosing Regimens Not Prescribed to Plaintiff dated October 13, 2009;
- 6) Order granting Defendant's Motion in Limine Precluding Evidence Pertaining to Phossy Jaw dated October 13, 2009;
- 7) Order granting Defendant's Motion in Limine to Exclude Evidence and Testimony On Irrelevant and Inadmissible Corporate Actions and Knowledge dated October 13, 2009;
- 8) Opinion and Order Regarding Pro Tanto and Collateral Source Offsets and Costs dated January 20, 2010; and
- 9) All orders, rulings or instructions objected to prior to, during, or following the trial of this action.

THE CROSS APPELLANT FURTHER CERTIFIES:

1. That this cross appeal is subject to the mediation process as required by Mont.R.App.P. 7. The money judgment being sought is not less than \$5,000.
2. That this cross appeal is not an appeal from an order certified as final under Mont.R.Civ.P. 54(b).
3. That no notice under Mont.R.App.P. 27 has to be given as there is no challenge to the constitutionality of any act of the Montana Legislature.
4. That the pertinent pages from the transcript of the proceedings in this cause have been ordered from the court reporter prior to the filing of this notice of cross appeal.
5. That included herewith is the filing fee prescribed by statute.

DATED this 2<sup>nd</sup> day of February, 2010.

By: \_\_\_\_\_

  
Terry N. Trieweiler

Attorney for Appellee/Cross Appellant

## CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF CROSS APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF CROSS APPEAL upon the Clerk of the District Court, each attorney of record, and each court reporter from whom a transcript has been ordered as follows:

Joe G. Hollingsworth, Esq.  
Katharine R. Latimer, Esq.  
Gary I. Rubin, Esq.  
Robert E. Johnston, Esq.  
Philip M. Busman, Esq.  
HOLLINGSWORTH LLP  
1350 I St., NW  
Washington, DC  
Telephone: (202) 898-5800

W. Carl Mendenhall, Esq.  
WORDEN THANE PC  
Attorneys at Law  
P.O. Box 4747  
Missoula, MT 59806-4747  
Telephone: (406) 721-3400

Shirley E. Faust  
Clerk of District Court  
200 West Broadway  
Missoula, MT 59802

Ms. Cerese S. Parker, RMR, CRR  
Official Court Reporter  
200 West Broadway Street  
Missoula MT 59802-4292

This NOTICE OF CROSS APPEAL was filed by facsimile with the Clerk of the Montana Supreme Court and the Clerk of the District Court at 2:45 p.m. on February 2, 2010.

DATED this 2<sup>nd</sup> day of February, 2010.

A handwritten signature in cursive script, reading "Karen R. Weaver", is written over a horizontal line.

Karen R. Weaver

Legal Assistant to Terry N. Trieweiler